

Application No. 10/040,224  
Amendment dated May 24, 2004  
Reply to Office Action of February 23, 2004



Attorney's Docket No.: 42390P11353

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Ebrahim Andideh

U.S. Serial No: 10/040,224

Filed: January 2, 2002

For: METHOD TO AVOID VIA POISONING  
IN DUAL DAMASCENE PROCESS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Conf. No.: 2917

Examiner: Lee, Hsien Ming

Art Unit: 2823

**RESPONSE**

Dear Sir:

This is in response to the Office Action mailed February 23, 2004. Applicant respectfully requests the Examiner to consider the following remarks.

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2004

Date of Deposit

Claire Wallters

Name of Person Mailing Correspondence

*Claire Wallters*  
Signature

*5/24/2004*  
Date



2823  
JFW

**AMENDMENT TRANSMITTAL**

**PATENT**

Application No.: 10/040,224  
Filing Date: January 2, 2002  
First Named Inventor: Ebrahim Andideh  
Examiner's Name: Lee, Hsien Ming  
Art Unit: 2823  
Attorney Docket No.: 42390P11353

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Heather M. Molleur, Reg. No. 50,432

SIGNATURE: H. Molleur

DATE: 5/24/04

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

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on May 24, 2004

Date of Deposit

Claire Wallters

Name of Person Mailing Correspondence

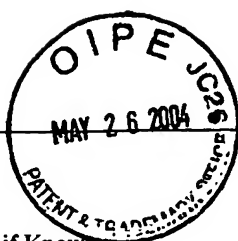
Claire Wallters

Signature

5/24/2004

Date

Express Mail Label No. (if applicable): \_\_\_\_\_

**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known:

Application No. 10/040,224  
Filing Date January 2, 2002  
First Named Inventor Ebrahim Andideh  
Examiner Name Lee, Hsien Ming  
Art Unit 2823  
Attorney Docket No. 42390P11353

☐ Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☒ None  
☐ Deposit Account  
    Deposit Account Number : 02-2666  
    Deposit Account Name: \_\_\_\_\_  
☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:  
    ☒ Charge fee(s) indicated below.  
    ☒ Credit any overpayments.  
    ☒ Charge any additional fees during the pendency of this application.  
    ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.  
    ☐ Charge fee(s) indicated below except for the filing fee.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	7702001	385		Utility application filing fee	_____
1002	3402002	170		Design application filing fee	_____
1003	5302003	265		Plant filing fee	_____
1004	7702004	385		Reissue filing fee	_____
1005	1602005	80		Provisional application filing fee	_____

SUBTOTAL (1) \$ 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims	Fee from below	Fee Paid
Total Claims	<u>18</u>	- 30** = <u>0</u>	X _____	= _____
Independent Claims	<u>2</u>	- 3** = <u>0</u>	X _____	= _____
Multiple Dependent			_____	= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	182202	9		Claims in excess of 20
1201	862201	43		Independent claims in excess of 3
1203	2902203	145		Multiple dependent claim, if not paid
1204	862204	43		**Reissue independent claims over original patent
1205	182205	9		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	110	2251	55	Extension for reply within first month	_____
1252	420	2252	210	Extension for reply within second month	_____
1253	950	2253	475	Extension for reply within third month	_____
1254	1,480	2254	740	Extension for reply within fourth month	_____
1255	2,010	2255	1,005	Extension for reply within fifth month	_____
1401	330	2401	165	Notice of Appeal	_____
1402	330	2402	165	Filing a brief in support of an appeal	_____
1403	290	2403	145	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	110	2452	55	Petition to revive - unavoidable	_____
1453	1,330	2453	665	Petition to revive - unintentional	_____
1501	1,330	2501	665	Utility issue fee (or reissue)	_____
1502	480	2502	240	Design issue fee	_____
1503	640	2503	320	Plant issue fee	_____
1460	130	1460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	110	2814	55	Statutory Disclaimer	_____
1810	770	2810	385	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	770	2801	385	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,330	1454	1,330	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Heather M. MolleurSignature: *H. Molleur* Date: 5/24/04Reg. Number: 50,432 Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450